

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**URGENT MOTION OF DRA PARTIES REQUESTING LEAVE TO SUPPLEMENT
THEIR REBUTTAL EXPERT REPORT AFTER THE DEADLINE FOR SUCH
REPORTS SET FORTH IN THE CONFIRMATION PROCEDURES ORDER**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3566(LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801).

To The Honorable United States District Judge Laura Taylor Swain:

AmeriNational Community Services, LLC (the “Servicer”), as servicer for the GDB Debt Recovery Authority (the “DRA”), and Cantor-Katz Collateral Monitor LLC, a Delaware limited liability company (the “Collateral Monitor,” and together with the Servicer, collectively, the “DRA Parties”), which serves as the collateral monitor for Wilmington Trust, N.A. in connection with the new bonds that the DRA issued pursuant to the *Government Development Bank for Puerto Rico Debt Restructuring Act*, Act No. 109-2017, as amended by Act No. 147-2018, and the approved Qualifying Modification for the Government Development Bank for Puerto Rico (the “GDB”)² under Title VI of the *Puerto Rico Oversight, Management and Economic Stability Act* (“PROMESA”), by and through the undersigned legal counsel, respectfully submit this urgent motion (the “Motion”) requesting entry of an order granting leave for the DRA Parties to file a supplemented version of their rebuttal expert report within two days following the deposition of Marti Murray, a Rule 26(a)(2)(B) expert of the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) who will not be able to be deposed until after the October 8, 2021 deadline for such reports set forth in the *Order Establishing Procedures and Deadlines Concerning Objection to Confirmation and Discovery in Connection Therewith* [Dkt. No. 17640] (the “Confirmation Procedures Order”). The Oversight Board and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and together with the Oversight Board, the “Government Parties”) have consented to the relief requested herein.

² See ECF No. 270 of Civil Case No. 18- 01561 (LTS) (Nov. 7, 2018).

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to PROMESA § 307(a).

2. The statutory basis for the relief requested herein is Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9018, made applicable to these proceedings by PROMESA §§ 301(a) and 310, and Local Rule 9018-1 of the Local Bankruptcy Rules for the District of Puerto Rico (the “Local Rules”).

BASIS FOR RELIEF REQUESTED

3. The DRA Parties noticed their depositions of the Oversight Board’s experts to allow the DRA Parties’ rebuttal expert to be able to account for the deposition testimony of the Oversight Board’s Rule 26(a)(2)(B) experts in his rebuttal expert report.

4. Due to unavoidable scheduling conflicts, Ms. Murray’s deposition could not be scheduled to take place before the October 8, 2021 deadline for the filing of rebuttal expert reports set forth in the Confirmation Procedures Order. In light of that situation, Ms. Murray’s deposition is currently set to proceed on October 13, 2021, within the deadline for completion of expert discovery, and the Government Parties have agreed to allow the DRA Parties’ expert to supplement his rebuttal expert report within two days following the conclusion of Ms. Murray’s deposition, with the understanding that any such supplementation may only concern Ms. Murray’s deposition testimony on issues raised during the deposition and with the Oversight Board reserving the right to argue that Ms. Murray’s testimony is irrelevant to the issues raised in the rebuttal report and any supplement.

CERTIFICATION

5. Pursuant to Local Rule 9013-1 and paragraph I.H of the Fifteenth Amended Case Management Procedures [ECF No. 17127-1], the DRA Parties certify that they: (a) have carefully examined the matter and have concluded that there is a true need for urgent relief because the deadline for rebuttal expert reports under the Confirmation Procedures Order is October 8, 2021; (b) have not created the urgency through lack of due diligence on their part; (c) made a bona fide effort to resolve the matter without a hearing; (d) made reasonable, good-faith communications with in an attempt to resolve or narrow the issues being brought to the Court; and (e) conferred with the Oversight Board and AAFAF, who do not oppose the relief requested herein.

CONCLUSION

6. WHEREFORE, the DRA Parties seek the entry of an Order, substantially in the form attached hereto as Exhibit A, authorizing the DRA Parties to file supplemented versions of their rebuttal expert report within two days following the deposition of Marti Murray, and granting such relief as the Court deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7th day of October, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that, on October 7, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Carmen D. Conde Torres

Carmen D. Conde Torres

EXHIBIT A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**[PROPOSED] ORDER GRANTING URGENT MOTION OF DRA PARTIES
REQUESTING LEAVE TO SUPPLEMENT THEIR REBUTTAL
EXPERT REPORT AFTER THE DEADLINE FOR SUCH
REPORTS SET FORTH IN THE CONFIRMATION PROCEDURES ORDER**

Upon the urgent motion dated October 7, 2021 (the “Motion”)² of the DRA Parties, pursuant to sections 105(a) and 107(b) of the Bankruptcy Code, and Bankruptcy Rule 9018, made applicable to this proceeding by section 301(a) of the Puerto Rico Opportunity Management and Economic Stability Act of 2016 (“PROMESA”), 48 U.S.C. § 2161(a); and the Court having jurisdiction over this matter under 28 U.S.C. 1331, and under section 306(a)-(b) of PROMESA, 48 U.S.C. §2166(a)-(b); and venue being proper under section 307(a) of PROMESA, 48 U.S.C. § 2167(a); and due and proper notice of the Motion having been provided, and it appearing that no

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² Capitalized terms not defined in this Order shall have the meanings ascribed to them in the Motion.

other or further notice need be provided; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. The DRA Parties are authorized file a supplemental version of their rebuttal expert report within two days of the deposition of Marti Murray, a Rule 26(a)(2)(B) expert of the Financial Oversight and Management Board for Puerto Rico, with the understanding that any supplementation may only concern issues raised in Ms. Murray's deposition testimony and with the Oversight Board reserving the right to argue that Ms. Murray's testimony is irrelevant to the issues raised in the rebuttal report and any supplement.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: October __, 2021

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE